

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

OSCAR A. AGUILAR,

Plaintiff,

v.

SUPERIOR COURT OF CALIFORNIA,  
COUNTY OF SAN BERNARDINO,

Defendant.

No. 1:19-cv-01802-NONE-EPG (PC)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS

(Doc. No. 13)

Plaintiff Oscar A. Aguilar is a prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action filed pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On October 5, 2020, the assigned magistrate judge issued findings and recommendations recommending that this action be dismissed with prejudice and without leave to amend due to plaintiff's failure to state a cognizable claim under 42 U.S.C. § 1983. (Doc. No. 13.) Plaintiff was provided an opportunity to file objections to the findings and recommendations within thirty (30) days. (*Id.*) Plaintiff timely filed objections. (Doc. No. 14.)

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(B), this court has conducted a *de novo* review of this case. Having carefully reviewed the entire file, including plaintiff's objections, the court finds the findings and recommendations to be supported by the record and by proper analysis. Plaintiff's objections fail to undermine the reasoning of the findings and


1 recommendations, which correctly conclude: (1) that plaintiff cannot challenge the legality of  
2 the sentence imposed in his state court criminal case through a federal civil rights action such  
3 as this; (2) plaintiff fails to state a cognizable Eighth Amendment claim based upon his  
4 contention that he received a grossly disproportionate sentence; (3) plaintiff fails to sufficiently  
5 plead a claim based upon state court rulings denying his requests for DNA; and (4) plaintiff  
6 likewise fails to state a cognizable civil rights claim based upon allegedly false information  
7 contained in his prison records.

8 Accordingly,

- 9 1. The findings and recommendations entered October 5, 2020 (Doc. No. 13) are  
10 adopted in full;  
11 2. This case is dismissed with prejudice due to plaintiff's failure to state a claim; and  
12 3. The Clerk of Court is directed to assign a district judge to this case for the purpose  
13 of closing the case and then to close this case.

14 IT IS SO ORDERED.

15 Dated: **December 11, 2020**

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18 UNITED STATES DISTRICT JUDGE  
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